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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

JESSE IGNACIO GONZALES,

Defendant and Appellant.

B261066

(Los Angeles County
Super. Ct. No. KA105313)

APPEAL from a judgment of the Superior Court of Los Angeles County, Jack P. Hunt, Judge. Affirmed.

Rachel Varnell, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant, Jesse Ignacio Gonzales, pled no contest to recklessly causing a fire in violation of Penal Code section 452, subdivision (c).¹ Defendant has a long criminal record dating back to 1997. Defendant admitted a prior serious felony conviction allegation within the meaning of sections 667, subdivision (d) and 1170.12, subdivision (b). Defendant admitted that in 2004 he was convicted of making a terrorist threat in violation of section 422, a serious felony (§ 1192.7, subd. (c)(38)). Defendant was sentenced to 32 months in state prison. His request for a probable cause certificate on ineffective assistance of counsel grounds was denied. We affirm the judgment.

We appointed counsel to represent defendant on appeal. After examining the record, appointed appellate counsel filed an “Opening Brief” in which no issues were raised. Instead, appointed appellate counsel requested this court independently review the entire record on appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441. (See *Smith v. Robbins* (2000) 528 U.S. 259, 277-284.) We have examined the entire record and are satisfied appointed appellate counsel has fully complied with her responsibilities.

On June 1, 2015, we advised defendant that he had 30 days within which to personally submit any arguments he wished us to consider. Defendant filed a letter brief on June 15, 2015. Defendant asserts: his trial attorney, Mitre Donde, was ineffective insofar as she pressured him into pleading no contest to a case he would have “beat” had he gone to trial; Ms. Donde refused to do as defendant asked, including to file certain motions and to secure a videotape recording of his interview with the authorities; he was coerced to confess; his confession would have been excluded at any trial because he was not advised of his *Miranda* rights and he did not sign a waiver of rights form; and, “I feel that I was not reckless[,] just ignorant”

Our Supreme Court has held: “[T]wo types of issues may be raised on appeal following a guilty or [no contest] plea without the need for a [probable cause] certificate: issues relating to the validity of a search and seizure, for which an appeal is provided

¹ Further statutory references are to the Penal Code unless otherwise noted.

under section 1538.5, subdivision (m), and issues regarding proceedings held subsequent to the plea for the purpose of determining the degree of the crime and the penalty to be imposed. [Citations.]” (*People v. Buttram* (2003) 30 Cal.4th 773, 780; accord, *People v. Maultsby* (2012) 53 Cal.4th 296, 299, fn. 2.) Defendant’s assertions do not fall into either of those two categories. As a result, they may not be raised in this appeal. And there is no evidence to support these contentions in the record on appeal. Thus, they may not be raised on direct appeal. (*People v. Brawley* (1969) 1 Cal.3d 277, 294; *People v. Merriam* (1967) 66 Cal.2d 390, 396.)

The judgment is affirmed.

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TURNER, P.J.

We concur:

KRIEGLER, J.

KIRSCHNER, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.